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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

SUSAN CHEN and

NAIXIANG LIAN

Plaintiffs,

v.

DETECTIVE NATALIE D'AMICO

Defendant

Case No. 2:16-CV-01877-JLR

SECOND AMENDED COMPLAINT

Now comes Susan Chen and Naixiang Lian, Plaintiffs herein, pro se, and hereby files this action under 42 U.S. C. & 1983 to redress her civil and legal rights, and alleges as follows:

PRELIMINARY STATEMENT

1. This is a civil rights action in which plaintiff seeks relief for the violation for her rights secured by 42 USC & 1983, & 1988, the Fourth and Fourteenth Amendments to the United States Constitution.
2. The claims arise from a December 9, 2013 police report (#13-019402) in which Officer of the Redmond City Police Department ("RCPD"), acting under the color of state law, intentionally and willfully subjected plaintiff to, inter alia, false arrest and false imprisonment.
3. Plaintiffs seek monetary damages (special, compensatory, and punitive) against defendants, as well as an award of costs, and such other and further relief as the Court deems just and proper.

JURISDICTION AND VENUE

4. This action is brought pursuant to 28 USC &1331, 42 USC&1983, and the Fourth and Fourteenth Amendments to the United States Constitution.
5. The amount in controversy exceeds \$7,000,000.00 excluding interest and costs.
6. Venue is laid within the United States District Court for the Western District Of Washington in that Defendant City Of Redmond is located within, and a substantial part of the events giving rise to the claim occurred within the boundaries of the Western District of Washington.

PARTIES

7. Plaintiff Susan Chen is a legal resident of the United States and at all times here relevant resided in King County, State of Washington.
8. Plaintiff Naixiang Lian is a legal resident of the United States and at all times here relevant resided in King County, State of Washington.
9. Detective Natalie. D'Amico was, at all times here relevant, a police officer of the RCPD, and as such was acting in the capacity of an agent, servant and employee of the City of Redmond. On information and belief, at all times relevant hereto, Officer N. D'Amico was plaintiff's assigned officer.
10. At all times Officer D'Amico was acting under color of state law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the City of Redmond and State of Washington.

FACTUAL ALLEGATIONS

11. Plaintiffs Susan Chen and Naixiang Lian are Chinese citizen, legally residing in the United States.
12. Plaintiffs' primary language is Chinese. They have some ability to communicate in English.
13. On the afternoon of Oct 23, 2013, Plaintiff Susan Chen brought her son, JL to have a follow up appointment with Dr. Kate Halamay at Pediatric Associates. Ms. Chen and Dr. Halamay had friction and Ms. Chen intended to complain the doctor but was treated with

1 a CPS referral based on twisted facts in which the child was described as having "kidney
2 failure" and "life threatening". (NOTE, on Aug 30, 2013, the child saw Dr. Halamay for
3 the same situation, i.e. elevated creatinine. Repeated labs indicated that the elevated
4 creatinine is due to the dehydration caused by diarrhea, but not any kidney disease).
5 Additionally, the child was just discharged from ER of Seattle Children's Hospital as
6 "medical stable, discharged home".

7 14. On the morning of Oct 23, 2013, Plaintiff Susan Chen brought her son, JL saw his regular
8 doctor, Dr. Gbedawo who reached the same conclusion as the ER doctor from Seattle
9 Children's Hospital that the child is medically stable, only needs to follow up in 10 days.

10 15. On the night of Oct 24, 2013, a CPS social work named Brian Davis was assigned to
11 remove the child who described the child's situation as "sleep peacefully and soundly"
12 based on his observation.

13 16. Plaintiffs' son, JL was removed to Seattle Children's Hospital based on Dr. Halamay's
14 diagnosis as "kidney failure". One hours later, the repeated tests for creatinine (kidney
15 function) indicated that the creatinine was 0.5, a normal number for kidney function,
16 consistent with the ER doctor and Dr. Gbedawo's conclusion.

17 17. On Oct 24, 2013, Officer N. D'Amico was assigned to investigate a possible child abuse
18 case for JL (the son of plaintiffs).

19 18. On Oct 24, 2013, according to police investigation report, Officer N. D'Amico went to
20 Plaintiffs' home to check LL (plaintiffs' older son)) who explicitly said No to the
21 officer's questions about any possible abuse from parents. LL also made it clearly to the
22 officer that the parents that his parents did not hurt him and his brother. He responded
23 "NOT hungry" to Detective D'Amico's question if he is getting enough to eat.

24 19. On the evening of Oct 24, 2013, Detective N. D'Amico met with Plaintiffs Susan Chen
25 and Naixiang Lian at home. According to the investigation report, "It was apparent Susan
26 spoke English as a second language and we had some trouble communicating". No
27 interpreter was provided for the whole conversation. Plaintiff Naixiang Lian admitted that
28 he prepares three meals a day for the family, but NOT Plaintiff Susan Chen. Plaintiff

1 Naixiang Lian admitted that he is responsible for feeding children twice a day (breakfast
2 and dinner), NOT Plaintiff Susan Chen.

3 20. On Oct 25, 2013, Officer N. D'Amico assisted Child Protective Service to remove
4 plaintiffs' older son, LL into state custody. No interpreter was provided.

5 21. From Oct 28 to Oct 30, 72 hours' hearing was held regarding the dependency case. JL's
6 two main treating physicians, Dr. John Green and Dr. Hal Gbedawo, and also autism
7 specialist, parent of autism family, Dr. Angela Hugebeck testified in support of the
8 family. Dr. Green indicated that he was collaborating care with JL's local doctor, Dr.
9 Gbedawo, and they know each other. Occupational therapist, Ms. Brooke provide a
10 progress report to the court. Greiner, Ms. Greiner also is aware that the family sees the
11 autism specialist besides some filling clinics/urgent care. Ms. Greiner previously wrote
12 letter directly to Dr. Green. Ms. Greiner is aware that the family is seeing the speech
13 therapist and as well as the ABA therapist.

14 22. On 72 hours' hearing, the judge was "outrageous" that the CPS doctors never tried to
15 review the child's medical records, never tried to the talk with the child's main treating
16 physician, and never tried to talk with parents. The judge ordered the CPS doctor (Dr.
17 Migita) to talk with Dr. Green.

18 23. The judge concluded that he did not see parents pose any harms for the children, and "felt
19 satisfied with LL back home" but placed JL out of home for 30 days only as
20 "experimental purpose".

21 24. According the CPS discovery, on Nov 5, 2013, SCAN case conference was held,
22 participants including 2 CPS supervisors, 2 CPS SW, Children's SW, Children's
23 protection team, Natalie D'Amico, detective from Redmond PD. Records wrote
24 that "Naturopaths (referred to Dr. Gbedawo) working with the family recommended
25 different diets for the parents for JL to follow. "

26 25. According to CPS discovery, on Nov 7, 2013, CPS social worker provided a list of
27 witnesses to Officer N. D'Amico including names of occupational therapist Ms. Brooke
28 Greiner, Dr. John Green (who is a MD but was mistakenly identified as "ND"), Dr.
Gbedawo.

- 1
2 26. According to CPS discovery, on Nov 12, 2013, CPS decided that “. **Both parents** are
3 getting a FOUNDED finding for neglect.”
- 4 27. On Nov 14, 2013, Occupational therapist Ms. Brooke Greiner received requests for
5 information from Redmond Police. Ms. Greiner sent over the documents by certified mail
6 to the police department.
- 7 28. On Nov 20, 2013, Dr. John Green’s office sent over a package of medical records to
8 Redmond City Police Department as requested, in which it was clearly stated that it was
9 Dr. Green who prescribed the special diet for JL due to his digestive distress. Dr. Green
10 told the detective through phone that he does not think parents ever abuse and neglect JL,
11 but on the contrary, they are good parents, acting on the children’s best interests. Dr.
12 Gbedawo’s office also sent medical records to the police department on Nov 18, 2013 per
13 request. In Dr. Gbedawo’s notes, it was clearly stated that it was Dr. Gbedawo who had
14 prescribed diet treatment for JL.
- 15 29. Starting from Nov, 2013, CPS offered to return JL back home with conditions for
16 parents, first orally later in writing. The attorney who handled CPS dependency case
17 described the CPS conditions in that the case will be dismissed in six months if parents
18 accepted these conditions. Plaintiff Naixiang Lian asked Plaintiff Susan Chen to
19 explicitly say to these conditions and confronted with CPS caseworker directly.
- 20 30. On Dec. 9, 2013, Officer N. D’Amico signed a probable cause certification for the arrest
21 of Plaintiff Ms. Chen with a police report and later filed a police report with the King
22 County Prosecuting Attorney’s Office in support of felony charges, both of which
23 contained falsehoods and materials omissions about Plaintiff Ms. Chen’s treatment of her
24 children. Officer D’Amico selectively included information from Dr. Halamay and a
25 resident from Seattle children’s Hospital while the information in plaintiffs’ favor from
26 the child’s main treating physicians Dr. Green, Dr. Gbedawo, Ms. Gbedawo were not
27 included. The names of these witnesses were not even mentioned.
- 28 31. On Dec 9, 2013 police report, Officer N. D’Amico wrote that “Chen restricted JL from
eating many things such as carbohydrates although she was never told JL could not have
carbohydrates by any doctor”. Based on medical records, removing carb from JL’s diet is

1 the instruction from Dr. Green and Dr. Gbedawo. Based on evidence, JL's father (NOT
2 JL's mother Susan Chen) is the main caregiver for JL for providing foods to two children.
3 Based on evidence from CPS discovery, Officer D'Amico was fully aware that Dr.
4 Gbedawo prescribed diet treatment (removing carb) for JL as early as Nov 5, 2013.

5 32. On Dec. 9, 2013 police report, Officer N. D'Amico wrote "All other causes of JL's
6 condition aside from malnutrition had been ruled out". However, based on the medical
7 records from Seattle Children's Hospital, Dr. Green, Dr. Gbedawo, Pediatric Associates,
8 the child has failure to gain weight due to at least two years' history of digestive distress
9 and the family had been seeking medical cares.

10 33. On Dec 9, 2013 police report, Officer D'Amico wrote that "she (plaintiff Susan Chen)
11 refused to share information amongst these providers. It is a common knowledge that a
12 referral is needed to see specialist so the referring doctors and specialist know each other.
13 Secondly, Dr. Green stated explicitly that he is collaborating care for J with Dr.
14 Gbedawo, occupational therapist Ms. Greiner knows Dr. Green, ABA therapist, speech
15 therapist.

16 34. Officer D'Amico claimed in her report that "There is a probable cause to believe Susan
17 withheld basic necessities of life to include nutrition as J was diagnosed as grossly
18 malnourished and dehydrated upon arrival at Seattle Children's Hospital". According to
19 police investigation report, Officer D'Amico was fully aware that Plaintiff Naixiang Lian
20 is the primary care giver for providing foods to the children.

21 35. Defendant D'Amico's police report was written on Dec. 9, 2013 while witnesses Dr.
22 Green, Dr. Gbedawo, Ms. Greiner were contacted well before this date. Officer D'Amico
23 collected extensive medical records regarding treatment for JL but the information for all
24 these witnesses supporting plaintiffs were withheld from the court.

25 36. On Jan 31, 2014, an arrest warrant was issue for Susan Chen (case No. 14-2-00377-0
26 SEA). Plaintiff Susan Chen was charged with Criminal Mistreatment In The Second
27 Degree". Plaintiff Naixiang Lian was NOT charged for any crimes.

28 37. On Feb 18, 2014, plaintiff Susan Chen was arrested, handcuffed, fingerprinted, and
pictured in Seattle, Washington. Plaintiff was released later due to a conflicting court

1 order from dependency court, with conditions of turning in passport and only staying in
2 King county. Plaintiff Susan Chen's brother became very sick and shortly passed away in
3 China but plaintiff was not allowed to leave the country to stay with him for last minute
4 of his life and count not even attend his funeral. Plaintiff Susan Chen suffers from
extreme mental anguish and stress.

5 38. The negligent investigation by Officer D'Amico led to adverse and prolonged placement
6 to the disabled child, JL, a decision left in place through September 12, 2014 when the
7 court dismissed the dependency action related to JL.

8 39. Due to the pending criminal charges, the dependency case had to be continued and
9 delayed Plaintiff's son JL return home. JL was moved among more than eight times in
10 foster homes, once stayed in a place in Bellingham for only 4 hours in the midnight. JL
11 was mistreated in foster home, denied therapy treatment, withheld prescribed medications
and experienced significant regression documented by treatment team.

12 40. Plaintiff Susan Chen's criminal defense attorney, Ms. Twyla Carter noticed that tons of
13 information in Plaintiff's favor was omitted for this case. Ms. Carter thus submitted a
14 complete file of information from the medical providers who have been working with
15 Plaintiffs' family for a long time to the prosecutor's office to review. Plaintiff Susan
16 Chen's dependency defense attorney, Ms. Lorraine Roberts sent over one copy of the file
17 from Ms. Carter to Assistant Attorney General's office who responded quickly for
considering a dismissal of the case.

18 41. On Sep 19, 2014, the criminal charges against Plaintiff Susan Chen was dismissed. The
19 dismissal order wrote that "the state is unable to sustain its burden of proof in this case
20 due to evidence discovered after the time filing". The dependency case was dismissed at
almost the same time.

21 42. Ms. Chen was charged with criminal mistreatment, II degree based on materials provided
22 by Defendant Officer D'Amico. The arrest warrant was issue based on Defendant
23 D'Amico's report with selective data submitted to the prosecutor's office. Ms. Chen was
24 arrested without probable cause.
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1 43. As a result of the criminal charges and false arrest alleged herein, and due directly to the
2 actions taken by the Defendant D'Amico, Ms. Chen suffered and continues to suffer
3 physical pain, emotional trauma, discomfort, humiliation, fear, anxiety and
4 embarrassment, among other things. Plaintiff Susan Chen was found to suffer continuous
5 headache resulting from **cardiovascular disease (with no family history)**, a disease
6 typically for people over 70 years old.

7 **DAMAGES**

8
9 44. As a direct and proximate result of the acts of defendants, plaintiffs suffered the
10 following injuries and damages:

- 11 a. Violation of Plaintiff Susan Chen's rights pursuant to the Fourth and Fourteen
12 Amendments to the United States Constitution to be free from an unreasonable search
13 and seizure of their person;
- 14 b. Violation of their due process rights under *Brady v. Maryland*, 373 U. S. 83 (1963)
15 that requires the disclosure of "evidence favorable to an accused upon request...
16 where the evidence is material either to guilt or to punishment, irrespective of the
17 good faith or bad faith of the prosecution." *Brady v. Maryland*, 373 U.S. 83, 87
18 (1963). In *Youngblood v. West Virginia*, 547 U.S. 867, 870 (2006), the Supreme
19 Court stated that *Brady* is violated when the government fails to turn over evidence
20 that is "known only to police investigators and not to the prosecutor."
- 21 c. Violations of their due process rights to interpreter. Under Title VI of the federal
22 Civil Rights Act of 1964, discrimination on the basis of race, color or national origin
23 is prohibited. Non-English speakers also has constitutional protections to interpreters,
24 as the U.S. Supreme Court first held in *Meyer v. Nebraska* (1923).
- 25 d. Violations of their "Miranda rights" because the law requires that the suspect must be
26 given the opportunity to exercise these rights throughout the interrogation, not just
27 upon arrest (*Miranda v. Arizona*, 1966, p. 479).
- 28

- e. Physical pain and suffering; Plaintiff Susan Chen suffered from continuous headache from cardiovascular disease from extreme stress, typically for people over 70 years old.
- f. Emotional trauma and suffering, including discomfort, humiliation, fear, anxiety, frustration, emotional distress, mental anguish.
- g. Plaintiff Susan Chen suffered from continuous headache from cardiovascular disease from extreme stress, typically for people over 70 years old.
- h. Loss of liberty for Plaintiff Susan Chen
- i. Deprived of parental rights to their children under 42 U. S. C & 1983.
- j. Adverse placement decision to Plaintiffs' child out of home for ten months and caused a 3-year old disabled child who encountered lasting damages in foster homes.

FIRST CLAIM: FALSE ARREST

**DEPRIVATION OF RIGHTS UNDER THE FOURTH AND FOURTEENTH
AMENDMENTS AND 42 USC &1983**

46. The preceding paragraphs are here incorporated by reference.

47. Defendants have deprived plaintiff Susan Chen of her civil, constitutional and statutory rights under color of law and have conspired to deprive her of such rights and are liable to plaintiff under 42 USC & 1983.

1 48. Defendants' conduct deprived plaintiff Susan Chen of her rights to be free of
2 unreasonable searches and seizures, pursuant to the Fourth and Fourteenth Amendments
3 to the United States Constitution. Defendant's conduct also deprived plaintiffs of her
4 right to due process of law, pursuant to the Fourteenth Amendment of the United States
5 constitution.

6
7 49. Defendant's police report directly led to the false arrest of the plaintiff Susan Chen
8 and had failed to submit a complete profile of the story to the court by withholding tons
9 of the witnesses and evidence in favor of plaintiff. All these information withheld had
10 been received well prior to the date of police report.

11
12 50. Plaintiff Susan Chen has been damaged as a result of defendant D'Amico's wrongful
13 act.

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17 **SECOND CLAIM: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

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19 51. Plaintiffs re-allege and incorporate by reference the allegations set forth in each preceding
20 paragraph as if fully set forth herein.

21
22 52. Defendant D'AMICO's conduct, in withholding information evidence favorable to
23 plaintiff Susan Chen, without provocation or justification, was extreme, outrageous, and utterly
24 intolerant in a civilized community; conduct which exceed all reasonable bounds of decency.

1 53. Defendant D'AMICO's conduct, described above, was intended to and did cause
2 emotional distress to Plaintiffs Susan Chen and Naixiang Lian.
3

4 54. The conduct of Defendant D'AMICO was the direct and proximate cause of injury and
5 damage to Plaintiffs Susan Chen and Naixiang Lian and violated their statutory and common law
6 rights as guaranteed by the laws and Constitution of the State of Washington.
7

8 55. As a result of the foregoing, Plaintiff Susan Chen was deprived of her liberty, was
9 subjected to serious physical and emotional pain and suffering, and was otherwise damaged and
10 injured.
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14 **THIRD CLAIM: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**
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16 56. Plaintiffs re-allege and incorporate by reference the allegations set forth in each preceding
17 paragraph as if fully set forth herein.
18

19 57. Defendant D'AMICO's conduct, in withholding evidence favorable to Plaintiff Susan
20 Chen, was careless and negligent as to the emotional health of Plaintiff Susan Chen, and caused
21 severe emotional distress to Plaintiffs Susan Chen and Naixiang Lian.
22

23 58. The acts and conduct of Defendant D'AMICO was the direct and proximate cause of
24 injury and damage to Plaintiff Susan Chen and violated her statutory and common law rights as
25 guaranteed by the laws and Constitution of the State of Washington.
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2 59. As a result of the foregoing, Plaintiff Susan Chen was deprived of her liberty, was
3 subjected to serious physical and emotional pain and suffering, and was otherwise damaged and
4 injured.

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6 **FOURTH CLAIM: NEGLIGENCE**
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8 60. Plaintiffs re-allege and incorporate by reference the allegations set forth in each preceding
9 paragraph as if fully set forth herein.
10

11 61. Defendant D'AMICO, while acting as agent and employee for Defendant CITY OF
12 REDMOND, in her capacity as a detective for the CITY OF REDMOND, owed a duty to
13 Plaintiff to perform her police duties without withholding evidence favorable to Plaintiff Susan
14 Chen. Defendant D'AMICO's withholding evidence caused Plaintiff Susan Chen to be charged
15 with criminal mistreatment, II degree, when Plaintiff Chen did not commit this crime.
16

17 62. Defendant D'AMICO's misconduct of withholding evidence when Defendant D'AMICO
18 had no lawful authority to cause Plaintiff Susan Chen's false arrest and imprisonment constitute
19 negligence for which Defendant D'AMICO is individually liable.
20

21 63. As a proximate result of Defendant D'AMICO's negligence for withholding evidence in
22 favor of Plaintiff Susan Chen, Plaintiff Chen sustained physical and emotional pain and
23 suffering, and was otherwise damaged and injured.
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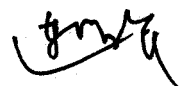
1 64. Plaintiff Chen and Lian suffered and continue to suffer emotional distress and other
2 damages as a result of Detective Officer D'Amico's negligence that continued through
3 September 12, 2014 when the court dismissed the dependency action related to JL, and criminal
4 charges were dismissed against Ms. Chen on September 19, 2014.

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8 **WHEREFORE**, Plaintiffs demand the following relief jointly and severally against all of the
9 defendants:

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11 a. Compensatory damages in the amount to be determined by a jury;
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13 b. Punitive damages in an amount to be determined by a jury;
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15 c. The convening and empaneling of a jury to consider the merits of the claims herein;
16
17 d. Costs and interest and attorney's fees;
18
19 e. Such other and further relief as this Court may deem just and proper.

20 Respectfully submitted,

21 Susan Chen 

22 Naixiang Lian 

23
24 Dated this 18th day of January, 2017

25 Redmond, Washington
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